

1 pleuagrisostomo

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FILED **FILED**
DISTRICT COURT OF GUAM DISTRICT COURT OF GUAM

NOV 20 2007

JEANNE G. QUINATA
Clerk of Court

NOV 15 2007

JEANNE G. QUINATA
Clerk of Court

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9 IN THE UNITED STATES DISTRICT COURT

10 FOR THE TERRITORY OF GUAM

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12
13 UNITED STATES OF AMERICA,) CRIMINAL CASE NO. 07-00094
14 Plaintiff,)
15 vs.) **AMENDED**
16 JOEY G. CRISOSTOMO,) PLEA AGREEMENT *my*
17 Defendant.)

18 Pursuant to Rule 11(c)(1)(B), the United States and the defendant, JOEY G.
19 CRISOSTOMO, enter into the following plea agreement:

20
21 1. The defendant, JOEY G. CRISOSTOMO, agrees to enter a guilty plea to Count I of an
22 information charging him with Entering Military, Naval or Coast Guard property, with the intent
23 to violate 5 Guam Code Annotated, Sections 63121 and 63125, as assimilated by Title 18,
24 United States Code, Sections 1382, 7(3) and 13.

25 Counts II, III will be dismissed after sentencing.

26
27 2. The defendant understands that the maximum sentence for Entering Military Property
28 in violation of 18 U.S.C. 1382 as a misdemeanor as specified in 18 U.S.C. §§ 1382 is

1 imprisonment for not more than six months and a maximum fine of \$5000.00, together with any
2 restitution as the court may order, and a \$10 special assessment fee. The total of \$10 special
3 assessment fee must be paid upon sentencing. The government will recommend that defendant
4 receive a fine of \$500.00, and credit for time served, if any.

5
6 3. If defendant is financially unable to immediately pay the fine in full, defendant agrees
7 to make a full disclosure of his financial status to the United States Attorney's Office by
8 completing a Financial Disclosure Form (OBD-500) for purpose of fixing a monthly payment
9 schedule. Defendant understands that, by law, interest accrues on any remaining balance of the
10 debt.

11
12 4. The defendant understands that to establish a violation of Entering Military Property,
13 a violation of Title 18, United States Code, Sections 1382, 7(3) and 13, the government must
14 prove each of the following elements beyond a reasonable doubt for each count:

15 First, that on February 12, 2007, the defendant ^{knowingly} entered certain military property, more
16 specifically Andersen AFB, Guam;

17 Second, the defendant ^{made this entry for a purpose prohibited by law or} ~~entered Andersen AFB with the intention of possessing or taking~~
18 ~~wild deer or pig~~ lawful regulation;

19 Third, the defendant intended to take or possess the wild deer or pig with an artificial
20 light; and

21 Fourth, that the locality in which the crime was committed was on land acquired or
22 reserved for the use of the United States and under exclusive or concurrent jurisdiction thereof.

23 5. The government and the defendant stipulate to the following facts for purposes of the
24 sentencing:

25 a. The defendant was born on July 24, 1976, and is a citizen of the United States.

26 b. That on February 12, 2007, the defendant JOEY G. CRISOSTOMO entered Andersen
27 AFB, Guam at approximately 3:30 a.m., it was dark. That JOEY G. CRISOSTOMO was

1 accompanied by CRIS B. CRISOSTOMO AND WAYNE G. CRISOSTOMO. That the
2 defendant knew the property he was entering belonged to the United States Air Force and he
3 entered with the intention of shooting deer ^{may} with an artificial light.
4

5 c. The defendant understands that notwithstanding any agreement of the parties, the
6 United States Probation Office will determine an appropriate sentencing range. The defendant
7 acknowledges that should there be discrepancies in the final sentencing range, projected by his
8 counsel or any other person, such discrepancy is not a basis to withdraw his guilty plea.

9 7. The defendant agrees to waive any right to appeal or to collaterally attack this
10 conviction. The defendant reserves the right to appeal the sentence actually imposed in this case.
11

12 8. The defendant acknowledges that he has been advised of his rights as set forth below
13 prior to entering into this plea agreement. Specifically, defendant has been fully advised of, has
14 had sufficient opportunity to reflect upon, and understands the following

15 a. The nature and elements of the charge and the mandatory minimum penalty provided
16 by law, if any, and the maximum possible penalty provided by law;

17 b. His right to be represented by an attorney;

18 c. His right to plead not guilty and the right to be tried by a jury and at that trial, the right
19 to be represented by counsel, the right to confront and cross-examine witnesses against him, and
20 the right not to be compelled to incriminate himself, that is, the right not to testify;
21

22 d. That if he pleads guilty, there will not be a further trial of any kind on the charges to
23 which such plea is entered so that by entering into this plea agreement, he waives, that is, gives
24 up, the right to a trial;

25 e. That, upon entry of a plea of guilty, or thereafter, the Court may ask him questions
26 about the offenses to which he has pled, under oath, and that if he answers these questions under
27

oath, on the record, his answers may later be used against him in prosecution for perjury or false statement if an answer is untrue;

f. That he agrees that the plea agreement is voluntary and not a result of any force, threats or promises apart from his plea agreement;

g. That he reads, writes and speaks the English language and has no need for an interpreter;

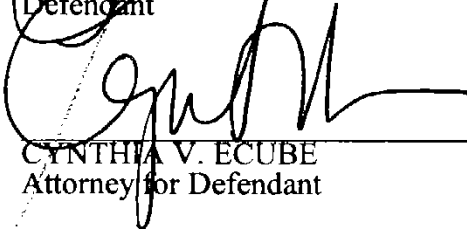
h. That he has read the plea agreement and understands it; and

i. The Defendant is satisfied with the representation of his lawyer and feels that his lawyer has done everything possible for his defense.

DATED: 11/14/07


JOEY G. CRISOSTOMO
Defendant


DATED: 11/14/07


CYNTHIA V. ECUBE
Attorney for Defendant

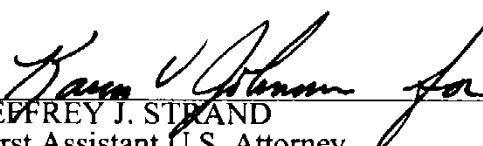
LEONARDO M. RAPADAS
United States Attorney
Districts of Guam and NMI

DATED: 11/14/07

By:


BENJAMIN A. BELILES
Special Assistant U.S. Attorney

DATED: 11/14/07


JEFFREY J. STRAND
First Assistant U.S. Attorney